

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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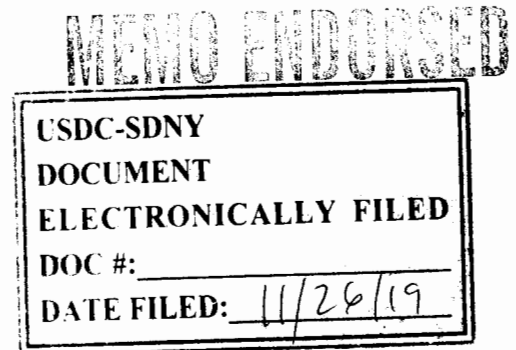
Southern District of New York  
*Jennifer L. Brown*  
Attorney-in-Charge

November 25, 2019

**BY ECF**

Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
New York, New York 10007

**Re: United States v. Jesus Wilfredo Encarnacion  
19 Cr. 118 (RA)**



Dear Judge Abrams,

On November 20, 2019, the government filed a notice of its intent to disclose and use certain materials obtained pursuant to 50 U.S.C. § 1806(c) (FISA notice). I have conferred with the government and the parties believe that this FISA notice means that it is no longer necessary to brief the legal question of the “use” of these materials, which was discussed at the last conference. However, FISA provides for a separate process for a defendant to move to suppress these materials (50 U.S.C. § 1806(e)), which may require additional time to complete. Accordingly, at this point, the parties respectfully request some additional opportunity to confer about this matter and, if necessary, to propose a briefing schedule to the Court to address any motion to suppress the FISA materials.

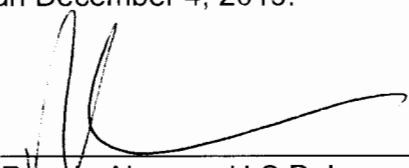
Respectfully submitted,

/s/ Sarah Baumgartel  
Sarah Baumgartel, Esq.  
Assistant Federal Defender  
Tel.: (212) 417-8772

cc: AUSA Kimberly Ravener (by ECF)  
AUSA David Denton (by ECF)

Application granted. After conferring, the parties shall file a joint letter as to whether briefing on this issue is necessary and, if so, with a proposal for a briefing schedule. The parties shall file this joint letter no later than December 4, 2019.

SO ORDERED.

  
Ronnie Abrams, U.S.D.J.  
November 26, 2019